

REMARKS

Applicant has carefully reviewed the Advisory Action mailed December 24, 2008 and offers the following remarks to accompany the above amendments.

Status of the Claims

Claims 11-18, 31, 32, 34-44, and 50-55 are pending in the present application. Claims 19-30 and 45-49 were previously withdrawn. Claims 1-10 and 33 were previously cancelled. Independent claims 11 and 31 have been amended for clarification purposes. Claims 13-18 have been amended to provide correct antecedent basis in light of the amendment to claim 11. No claims are added or cancelled herein. Accordingly, claims 11-18, 31, 32, 34-44, and 50-55 remain pending.

Rejection Under 35 U.S.C. § 102(e) - Mimura

Claims 11-18, 31, 32, 34-44, and 50-55 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 7,218,611 B2 to Mimura et al. (hereinafter “Mimura”) in view of U.S. Patent No. 6,456,234 B1 to Johnson (hereinafter “Johnson”). Applicant respectfully traverses. When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of *all limitations in a claim*.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974) (emphasis added)). Moreover, as the Supreme Court recently stated, “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Mimura generally discloses a system wherein a user remote from his home can remotely direct a recording apparatus in his home to record a television broadcast. The Patent Office relies heavily on specific teachings of col. 20, line 16 through col. 21, line 42, and Figs. 1, 2a, 2b, 4a, 4b, 5a, and 5b of Mimura to reject various elements of Applicant’s claimed invention. Col. 20, line 16 through col. 21, line 42 of Mimura discloses an example wherein a user away from their home determines they neglected to schedule a recording of a television program. The user

operates an input device to execute a proxy program, wherein a command, a password, and an identifier are sent to a broadcast apparatus. The broadcast apparatus assembles a command packet from this information and broadcasts the command packet on a broadcast channel. A tuner of a reception apparatus located in the user's home that is tuned to the broadcast channel receives the command packet, verifies that the identifier and password match a pre-stored identifier and password, and, if so, schedules the recording. Fig. 1 of Mimura discloses a system including a broadcast apparatus, a base station, an input device, and a reception apparatus. Figs. 2a and 2b of Mimura disclose a data structure of a proxy request. Figs. 4a, 4b, 5a, and 5b of Mimura disclose a command packet broadcast by the broadcast apparatus.

Johnson teaches a proactive content delivery system. In this system, a delivery content database associated with a server stores a number of content records such as the record stored in Figure 7A. Among other things, each content record includes a location field (704) and a content field (712). The location field (704) includes information defining a location to which the content stored or referenced in the content field (712) will be proactively delivered. The server then delivers the content stored or referenced in the content field (712) to devices located at the location defined by the location field (704).

Regarding claim 11, first, the combination of Mimura and Johnson fails to teach or suggest broadcasting a signal from a first device operative to be received by one or more second devices, the signal including a request for a list of location identifiers from the one or more second devices. In rejecting claim 11, the Patent Office read the broadcast apparatus (1) of Mimura as the claimed first device, the reception apparatus (2) of Mimura as the claimed second device, and referred to various figures and sections of Mimura to show that the broadcast apparatus (1) of Mimura broadcasts a signal including a request for an identifier.¹ Applicant respectfully disagrees that Mimura teaches that the broadcast apparatus (1) broadcasts a signal to the reception apparatus (2) including a request for a list of location identifiers, or any other type of identifiers, from the reception apparatus (2). The broadcast apparatus (1) of Mimura does not request anything from the reception apparatus (2).

Specifically, Mimura teaches a system wherein a user remote from his home can remotely direct a recording apparatus in his home to record a television broadcast. In this system, a user is located remotely from his reception apparatus (2). Via a communication

¹ Final Office Action mailed October 3, 2008, p. 3.

terminal apparatus (3), the user is enabled to send a proxy request to the broadcast apparatus (1). The proxy request includes a command to be transmitted to the reception apparatus (2) to instruct the reception apparatus (2) to record a desired television broadcast. After receiving the proxy request from the communication terminal apparatus (3), the broadcast apparatus (1) broadcasts the proxy request to the reception apparatus (2), and the reception apparatus (2) then processes the proxy request to record the desired television broadcast. Thus, the broadcast apparatus (1) of Mimura broadcasts a proxy request that instructs the reception apparatus (2) to record a desired television broadcast. However, the broadcast apparatus (1) of Mimura does not broadcast a signal to the reception apparatus (2), where the signal includes a request for a location identifier, or any other type of identifier, from the reception apparatus (2). In other words, the broadcast signal in Mimura instructs the reception apparatus (2) to record a desired television broadcast. The broadcast signal of Mimura does not include a request that the reception apparatus (2) return a location identifier, or any other type of identifier, back to the broadcast apparatus (1). As such, Mimura fails to teach or suggest broadcasting a signal from a first device to one or more second devices, where the signal that is broadcast includes a request for a list of location identifiers from the one or more second devices. Johnson fails to correct this deficiency.

Second, the combination of Mimura and Johnson fails to teach or suggest receiving, at the first device, at least one location identifier from the one or more second devices in response to the request. In rejecting this element of claim 11, the Patent Office relied on the Abstract, Figure 18, col. 20, line 16 through col. 21, line 42, and Figures 1-2 of Mimura.² The Patent Office gave no further explanation. As discussed above, Mimura teaches a broadcast apparatus (1) that broadcasts a proxy request to a reception apparatus (2) on behalf of a remote user located at a communication terminal apparatus (3). However, while Mimura teaches that the broadcast apparatus (1) broadcasts a proxy request to the reception apparatus (2), Mimura fails to teach or suggest that the broadcast apparatus (1) (which the Patent Office is reading as the claimed first device) receives anything back from the reception apparatus (2) (which the Patent Office is reading as the claimed second device) in response to the proxy request. As such, Mimura fails to teach receiving, at the first device, at least one location identifier from the one or more second devices in response to the request included in the broadcast signal. Johnson fails to correct this deficiency.

² *Ibid.*

Third, the combination of Mimura and Johnson fails to teach or suggest selecting, at the first device, at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the request included in the broadcast signal. In rejecting this element of claim 11, the Patent Office relied on the Abstract, Figure 18, col. 20, line 16 through col. 21, line 42, and Figures 1-2 of Mimura.³ The Patent Office gave no further explanation. As discussed above, Mimura teaches a broadcast apparatus (1) that broadcasts a proxy request to a reception apparatus (2) on behalf of a remote user located at a communication terminal apparatus (3). However, while Mimura teaches that the broadcast apparatus (1) broadcasts a proxy request to the reception apparatus (2), Mimura fails to teach or suggest that the broadcast apparatus (1) (which the Patent Office is reading as the claimed first device) receives any type of identifier, let alone a location identifier, back from the reception apparatus (2) (which the Patent Office is reading as the claimed second device) in response to the proxy request. Since Mimura fails to teach receiving any type of identifier, let alone a location identifier, at the broadcast apparatus (1) from the reception apparatus (2), it naturally follows that Mimura also fails to teach selection of a desired location identifier from the at least one location identifier received from the reception apparatus (2). As such, Mimura fails to teach selecting, at the first device, at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the request included in the broadcast signal. Johnson fails to correct this deficiency.

Fourth, the combination of Mimura and Johnson fails to teach or suggest transmitting from the first device a password associated with the at least one desired location identifier selected at the first device from the at least one location identifier received from the one or more second devices in response to the request included in the broadcast. In rejecting this element of claim 11, the Patent Office relied on the Abstract, Figure 18, col. 20, line 16 through col. 21, line 42, and Figures 1-2 of Mimura.⁴ The Patent Office gave no further explanation. As discussed above, Mimura teaches a broadcast apparatus (1) that broadcasts a proxy request to a reception apparatus (2) on behalf of a remote user located at a communication terminal apparatus (3). However, while Mimura teaches that the broadcast apparatus (1) broadcasts a proxy request to the reception apparatus (2), Mimura fails to teach or suggest that the broadcast apparatus (1)

³ *Ibid.*

⁴ *Ibid.*

transmits a password associated with a desired identifier (let alone a desired location identifier) selected at the broadcast apparatus (1) from one or more location identifiers received from the reception apparatus (2) in response to a request broadcast to the reception apparatus (2). Johnson fails to correct this deficiency.

Lastly, the combination of Mimura and Johnson fails to teach or suggest receiving at the first device at least one device identifier identifying a device associated with the at least one desired location identifier in response to transmitting the password associated with the at least one desired location. In rejecting this element of claim 11, the Patent Office relied on the Abstract, Figure 18, col. 20, line 16 through col. 21, line 42, and Figures 4a, 4b, 5a, and 5b of Mimura.⁵ The Patent Office provided no further explanation. However, Mimura fails to teach or suggest receiving at the broadcast apparatus (1) (which the Patent Office is reading as the claimed first device) at least one device identifier identifying a device associated with the at least one desired location identifier in response to the broadcast apparatus (1) transmitting a password associated with the at least one desired location identifier. Johnson fails to correct this deficiency.

The Patent Office admits that Mimura fails to teach a location identifier or a list of location identifiers, but relies on Johnson to show these claim features.⁶ However, even if Johnson teaches a location identifier and a list of location identifiers, which Applicant does not concede, the combination of Johnson with Mimura fails to correct the other deficiencies of Mimura discussed above. Therefore, since the combination of Mimura and Johnson fails to teach each and every element of claim 11, claim 11 is allowable.

Claims 12-18 depend directly or indirectly upon claim 11. As such, claims 12-18 are allowable for at least the same reasons set forth above with respect to claim 11. However, Applicant reserves the right to further address the rejection of claims 12-18 in the future, if needed.

Regarding claims 31, 32, and 34-39, the Patent Office merely states that these claims do not further define over the limitations recited in claim 11-18 and therefore refers back to the rejection of claims 11-18. Applicant respectfully disagrees. Claim 31 includes a feature that is not found in claims 11-18. Specifically, claim 31 includes the step of moving a first device

⁵ *Ibid.*

⁶ *Id.* at p. 3-4.

operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID. The Patent Office has failed to show how Mimura and Johnson, either alone or in combination, teach or suggest this feature. Further, with respect to claim 31, the combination of Mimura and Johnson fails to teach or suggest receiving, at a first device, at least one location ID; selecting at least one desired location ID from the at least one location ID received; transmitting authentication information for the at least one desired location ID to the at least one second device; and receiving a list of devices associated with the at least one location ID. As such, claim 31 is allowable.

Claims 32, 34-40, 54, and 55 depend directly or indirectly from claim 31. As such, claims 32, 34-40, 54, and 55 are allowable for at least the same reasons set forth above with respect to claim 31. However, Applicant reserves the right to further address the rejection of claims 32, 34-40, 54, and 55 in the future, if needed.

Regarding claim 41, first, the combination of Mimura and Johnson fails to teach or suggest entering, on the second device, a password associated with the location ID received via the broadcast from the first device. In rejecting this element of claim 41, the Patent Office relied on the Abstract, Figure 18, col. 20, line 16 through col. 21, line 42, Figures 1-2, col. 14, lines 14-41, col. 1, line 13 through col. 2, line 26, and Figures 4a, 4b, 5a, and 5b of Mimura.⁷ The Patent Office gave no further explanation. As discussed above, Mimura teaches a broadcast apparatus (1) that broadcasts a proxy request to a reception apparatus (2) on behalf of a remote user located at a communication terminal apparatus (3). As such, only the broadcast apparatus (1) of Mimura can be read as the claimed first device, and only the reception apparatus (2) of Mimura can be read as the claimed second device. Based on this reading, Mimura fails to teach that a password associated with any type of identifier, let alone a location ID, is entered at the reception apparatus (2). Johnson fails to correct this deficiency. As such, the combination of Mimura and Johnson fails to teach or suggest entering, on the second device, a password associated with the location ID received via the broadcast from the first device.

Second, the combination of Mimura and Johnson also fails to teach or suggest effecting playing of a media item on the first device by the second device. In rejecting this element of claim 41, the Patent Office relied on the Abstract, Figure 18, col. 20, line 16 through col. 21, line

⁷ *Id.* at p. 6.

42, Figures 1-2, col. 14, lines 14-41, col. 1, line 13 through col. 2, line 26, and Figures 4a, 4b, 5a, and 5b of Mimura.⁸ The Patent Office gave no further explanation. As discussed above, only the reception apparatus (2) of Mimura can be read as the claimed second device. Based on this reading, Mimura fails to teach that the reception apparatus (2) effects playing of a media item of the broadcast apparatus (1) (read as claimed first device). Johnson fails to correct this deficiency. As such, the combination of Mimura and Johnson fails to teach or suggest effecting playing of a media item on the first device by the second device.

The Patent Office admits that Mimura fails to teach a location identifier or a list of location identifiers, but relies on Johnson to show these claim features.⁹ However, even if Johnson teaches a location identifier and a list of location identifiers, which Applicant does not concede, the combination of Johnson with Mimura fails to correct the other deficiencies of Mimura discussed above. Therefore, since the combination of Mimura and Johnson fails to teach each and every element of claim 41, claim 41 is allowable.

Claims 42-44 depend directly or indirectly from claim 41. As such, claims 42-44 are allowable for at least the same reasons set forth above with respect to claim 41. However, Applicant reserves the right to further address the rejection of claims 42-44 in the future, if needed.

Regarding claim 50, first, the combination of Mimura and Johnson fails to teach or suggest moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID. In rejecting this element of claim 50, the Patent Office relied on the Abstract, Figure 18, col. 20, line 16 through col. 21, line 42, Figures 1-2, col. 14, lines 14-41, col. 1, line 13 through col. 2, line 26, and Figures 4a, 4b, 5a, and 5b of Mimura.¹⁰ The Patent Office gave no further explanation. As discussed above, Mimura teaches a broadcast apparatus (1) that broadcasts a proxy request to a reception apparatus (2) on behalf of a remote user located at a communication terminal apparatus (3). As such, only the broadcast apparatus (1) of Mimura can be read as the claimed second device, and only the reception apparatus (2) of Mimura can be read as the claimed first device. Based on this reading, Mimura fails to teach moving the reception apparatus (2) into a range of a network having the broadcast

⁸ *Ibid.*

⁹ *Id.* at p. 7.

¹⁰ *Id.* at p. 6.

apparatus (1) connected thereto. Johnson fails to correct this deficiency. As such, the combination of Mimura and Johnson fails to teach or suggest moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID.

Second, the combination of Mimura and Johnson fails to teach or suggest at least displaying, on the first device (i.e., the reception apparatus (2) of Mimura), any type of identifier let alone a location ID received from the at least one second device (i.e., the broadcast apparatus (1) of Mimura); selecting, on the first device (i.e., the reception apparatus (2) of Mimura), any type of identifier let alone the location ID; entering, on the first device (i.e., the reception apparatus (2) of Mimura), a password associated with a selected identifier let alone the selected location ID; and selecting, on the first device (i.e., the reception apparatus (2) of Mimura), a song to be played on the at least one second device (i.e., the broadcast apparatus (1) of Mimura). Johnson fails to correct these deficiencies. Since the combination of Mimura and Johnson fails to teach or suggest each and every element of claim 50, claim 50 is allowable.

Claims 51-53 depend directly or indirectly from claim 50. As such, claims 51-53 are allowable for at least the same reasons set forth above with respect to claim 50. However, Applicant reserves the right to further address the rejection of claims 51-53 in the future, if needed.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'R. Chad Bevins', written over a horizontal line.

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